

RESOLUTION NO. _____

A resolution authorizing OliverMcMillan Spectrum Emery, LLC to construct and install an aerial encroachment at 500 Broadway (Proposal No.2020M-032EN-001).

WHEREAS, OliverMcMillan Spectrum Emery, LLC plans to construct, install and maintain an aerial encroachment, comprised of a double-faced, illuminated blade sign measuring 4 feet by 15 feet and an awning, under Proposal No. 2020M-032EN-001, at 500 Broadway; and,

WHEREAS, OliverMcMillan Spectrum Emery, LLC has agreed to indemnify and hold The Metropolitan Government of Nashville and Davidson County harmless of any and all claims for damages of every nature and kind resulting from or arising from the installation of said aerial encroachment; and,

WHEREAS, Metropolitan Code of Laws §13.16.030(A) allows the Council of The Metropolitan Government of Nashville and Davidson County to grant encroachments, permits, or privileges to construct, maintain and/or operate aerial cables, canopies, etc., over and/or across sidewalks and public rights-of-way by Resolution adopted by twenty-one (21) affirmative votes.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That subject to the requirements, limitations and conditions contained herein, OliverMcMillan Spectrum Emery, LLC is hereby granted the privilege to construct and maintain said aerial encroachment in accordance with the plans which are on file in the office of the Director of Public Works, and which are more particularly described by lines, words and figures on the attached sketches which are attached to and made a part of this Resolution.

Section 2. That the authority granted hereby for the construction, installation, operation, and maintenance of said aerial encroachment shall not be construed as a surrender by the Metropolitan Government of its rights or power to pass resolutions or ordinances regulating the use of its streets, or the right of the Metropolitan Government through its legislative body, in the interest of public necessity and convenience to order the relocation of said facilities at the expense of OliverMcMillan Spectrum Emery, LLC.

Section 3. That plans and specifications for said aerial encroachment shall be submitted to the Director of Public Works of The Metropolitan Government of Nashville and Davidson County for approval before any work is begun; and all work, material, and other details of said installation shall be approved by the Director of Public Works prior to its use by OliverMcMillan Spectrum Emery, LLC.

Section 4. That construction and maintenance of said aerial encroachment shall be under the direction, supervision, and control of the Director of Public Works, and its installation, when completed, must be approved by said Director.

Section 5. That this Resolution confers upon OliverMcMillan Spectrum Emery, LLC, a privilege and not a franchise, and the Mayor and the Metropolitan Council herein expressly reserve the right to repeal this Resolution, whenever, in their judgment, a repeal may be demanded by public welfare, and such repeal shall confer no liability on The Metropolitan Government of Nashville and Davidson County, its successors and assigns, by reason of said repeal. In the event of such repeal by said Metropolitan Government, OliverMcMillan Spectrum Emery, LLC, its successors and assigns, shall remove said aerial encroachment at their own expense.

Section 6. OliverMcMillan Spectrum Emery, LLC shall pay all cost incident to the construction, installation, operation and maintenance of said aerial encroachment and shall save and hold The Metropolitan Government of Nashville and Davidson County harmless from all suits, costs, claims, damages or judgments in any way connected with said construction, installation, operation and maintenance of said aerial encroachment and shall not claim, set up or plead, as a defense, in the event of joint liability, with or without suit, that it and the Metropolitan Government were joint wrongdoers. OliverMcMillan Spectrum Emery, LLC shall be responsible for the expense, if any, of repairing and returning the right-of-way to the condition which it was in prior to the installation of said aerial encroachment, and for any street closure.

Section 7. That the authority granted to OliverMcMillan Spectrum Emery, LLC, as herein described, shall not in any way interfere with the rights of the Metropolitan Government, its agents, servants, and/or contractors and utility companies, operating under franchise from the Metropolitan Government to enter, construct, operate, maintain, repair, rebuild, enlarge, and patrol its now existing or future utilities, including drainage facilities, together with their appurtenances, and to do any and all things necessary and incidental thereto.

Section 8. OliverMcMillan Spectrum Emery, LLC shall and is hereby required to furnish The Metropolitan Government of Nashville and Davidson County a certificate of public liability insurance, naming The Metropolitan Government as an insured party, of at least four million (\$4,000,000) dollars aggregate, for the payment of any judgment had on any claim, of whatever nature, made for actions or causes of action arising out of, or connected with, the construction or installation of said aerial encroachment. Said certificate of insurance shall be filed with the Metropolitan Clerk and the Department of Public Works prior to the granting of a permit, and the insurance required herein shall not be canceled without the insurance company or companies first giving thirty (30) days written notice to The Metropolitan Government of Nashville and Davidson County.

Section 9. That said construction shall be carefully guarded and protected, and shall be completed promptly, so as to cause the least inconvenience to the public. The acceptance by OliverMcMillan Spectrum Emery, LLC of all provisions of this Resolution shall be determined by the beginning of work.

Section 10. The authority granted pursuant to this Resolution shall not become effective until the certificate of insurance, as required in Section 8, has been posted with the Metropolitan Clerk and the Department of Public Works.

Section 11. This Resolution shall take effect from and after its adoption, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

RECOMMENDED BY:

Mark Sturtevant, Director
Department of Public Works

APPROVED AS TO FORM
AND LEGALITY:

Assistant Metropolitan Attorney

INTRODUCED BY:

Member(s) of Council



CERTIFICATE OF LIABILITY INSURANCE

DATE MM/DD/YYYY
2004/2009

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION is WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Aon Risk Services Northeast, Inc. New York NY office One Liberty Plaza 165 Broadway, suite 3201 New York NY 10006 USA	<table border="1"> <tr> <td colspan="2">CONTACT NAME</td> </tr> <tr> <td>PHONE</td> <td>FAX</td> </tr> <tr> <td>JAC. H. Erb (212) 290-4000</td> <td>(800) 263-0185</td> </tr> <tr> <td colspan="2">E-MAIL ADDRESS:</td> </tr> <tr> <td colspan="2">INSURER(S) AFFORDING COVERAGE</td> </tr> <tr> <td>INSURER A: Berkshire Hathaway Specialty Ins Company</td> <td>NAC # 22276</td> </tr> <tr> <td>INSURER B: Zurich American Ins Co</td> <td>16535</td> </tr> <tr> <td>INSURER C: American Zurich Ins Co</td> <td>40142</td> </tr> <tr> <td>INSURER D:</td> <td></td> </tr> <tr> <td>INSURER E:</td> <td></td> </tr> <tr> <td>INSURER F:</td> <td></td> </tr> </table>	CONTACT NAME		PHONE	FAX	JAC. H. Erb (212) 290-4000	(800) 263-0185	E-MAIL ADDRESS:		INSURER(S) AFFORDING COVERAGE		INSURER A: Berkshire Hathaway Specialty Ins Company	NAC # 22276	INSURER B: Zurich American Ins Co	16535	INSURER C: American Zurich Ins Co	40142	INSURER D:		INSURER E:		INSURER F:	
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INSURER E:																							
INSURER F:																							
BEFORE Skanska USA Buildcon Inc. 5000 Meridian Blvd., Suite 100 Franklin TN 37067 USA																							

Holder Identifier :

COVERAGES	CERTIFICATE NUMBER: 570078148726	REVISION NUMBER:
<p>THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.</p>		
		<p>Units shown are approximate</p>

TYPE OF INSURANCE		ACQU BRO	SUB NO	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
B	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY			GL0019564700	05/18/2018	05/18/2021	EACH OCCURRENCE	\$2,000,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						DAMAGE TO RENTED	\$1,000,000
	<input type="checkbox"/> Wrap-Up						PROPERTY (See occurrence)	\$30,000
	<input type="checkbox"/>						MED EXP (Any one person)	\$2,000,000
GEN'L AGGREGATE LIMIT APPLIES PER:							PERSONAL & ADV INJURY	\$2,000,000
<input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO- TECT <input type="checkbox"/> LOC							GENERAL AGGREGATE	\$4,000,000
<input type="checkbox"/> OTHER							PRODUCTS - COMPOS AGG	\$4,000,000
AUTOMOBILE LIABILITY							COMBINED SINGLE LIMIT (See schedule)	
<input type="checkbox"/> ANY AUTO							BODILY INJURY (Per person)	
<input type="checkbox"/> OWNED							BODILY INJURY (Per accident)	
<input type="checkbox"/> AUTOS ONLY							PROPERTY DAMAGE (Per combined)	
<input type="checkbox"/> HIRED AUTOS								
<input type="checkbox"/> ONLY								
A	<input type="checkbox"/> UMBRELLA LIA	<input checked="" type="checkbox"/> OCCUR		47XCF30258101	05/18/2018	05/18/2021	EACH OCCURRENCE	\$25,000,000
	<input checked="" type="checkbox"/> EXCESS LIA	<input type="checkbox"/> CLAIMS-MADE		Primary \$25M			AGGREGATE	\$25,000,000
	<input type="checkbox"/>							
	<input type="checkbox"/> SUB	<input type="checkbox"/> RETENTION						
WORKERS COMPENSATION AND EMPLOYERS' LIABILITY								
ANY PROPRIETOR / PARTNER / EXECUTIVE OFFICER/OWNER EXCLUDED? (Indemnify in NO)				Y/N N			<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER PER	
If yes, check the under DESCRIPTION OF OPERATIONS below				N/A			E.L. EACH ACCIDENT	\$2,000,000
							E.L. DISEASE- EA EMPLOYEE	\$2,000,000
							E.L. DISEASE-POLICY LIMIT	\$2,000,000

Certificate No: 570076148726

DESCRIPTION OF OPERATIONS / LOCATIONS / RISKS (ACORD 999, Additional Remarks Schedule, may be attached if more space is required)

Re: Nashville Convention Center Redevelopment # 2534000-000. Coverage is limited to work performed at the Akasaka USA Building Inc., Nashville Convention Center Redevelopment under contract 2534000-000. The project is located at 601 Commerce Street Nashville, TN 37203. Akasaka USA Building Inc., is a subsidiary of Akasaka USA Building Inc., a subsidiary of Akasaka USA Building Inc. Officers, employees and affiliates, subsidiaries, parties, any other parties are named by the owner in the contract. The Metropolitan Government of Nashville and Davidson County, and All FINANSIAL PARTIES are listed as additional insureds on a primary and non-contributory basis on the General Liability and Access Liability coverages. Waiver of Subrogation applies to all policies. Oltremontale Spectrum Energy, LLC is an additional named insured to the General Liability.

<p>CERTIFICATE HOLDER</p> <p>The Metropolitan Government of Nashville & Davidson County Metro Legal & Claims C/O Insurance and Safety Division 222 3rd Avenue North Ste #501 Nashville TN 37203 USA</p>	<p>CANCELLATION</p> <p>SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.</p> <p>AUTHORIZED REPRESENTATIVE</p> <p><i>Shore Risk Services Northeast, Inc.</i></p>
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ACORD 25 (2016/03)

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